

ORDINANCE NO. 90-33

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, READOPTING ORDINANCE NO. 90-6, THE PALM BEACH COUNTY TRAFFIC PERFORMANCE STANDARDS MUNICIPAL IMPLEMENTATION ORDINANCE, AS AMENDED BY ORDINANCE NO. 90-19; AMENDING THE DEFINITION OF FIRST DEVELOPMENT ORDER THEREIN; AMENDING SECTION VII, SUBSEQUENT REVIEW, OF ORDINANCE NO. 90-7; PROVIDING FOR REPEAL OF LAWS IN CONFLICT, SEVERABILITY, INCLUSION IN CODE OF LAWS AND ORDINANCES, EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Palm Beach County, Florida adopted Ordinance No. 90-6, the Palm Beach County Traffic Performance Standards Municipal Implementation Ordinance; and

WHEREAS, at the time it was adopted, it was believed that the Countywide Ordinance would be adopted within six (6) months; and

WHEREAS, accordingly, the Palm Beach County Traffic Performance Standards Municipal Implementation Ordinance provided for a six (6) month repealer unless the Ordinance is readopted; and

WHEREAS, the work of the Traffic Performance Standards Advisory Committee, and others has extended beyond the six (6) month period; and

WHEREAS, the Traffic Performance Standards Advisory Committee recommended that the Palm Beach County Traffic Performance Standards Municipal Implementation Ordinance be extended for another three (3) months; and

WHEREAS, an ambiguity exists in the definition of First Development Order in that: (1) it is not expressly provided a First Development Order may consist of two (2) or more development orders which individually do not constitute a First Development Order but which taken together do constitute a First Development Order; and (2) a First Development Order is substantively the same as a Site Specific Development Order in Ordinance No. 90-7.

1 WHEREAS, certain planning efforts must continue and
2 be made part of the comprehensive planning process of the
3 County.

4 NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
5 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, as follows:

6 Section I. READOPTION/REPEALER

7 Pursuant to Section VII of Ordinance 90-6, The Palm Beach
8 County Traffic Performance Standards Municipal Implementation
9 Ordinance, Ordinance 90-6, as amended by Ordinance 90-19, is
10 hereby readopted. This Ordinance shall be of no further force
11 in effect three (3) months following its effective date,
12 unless readopted.

13 Section II. FIRST DEVELOPMENT ORDER

14 Ordinance 90-6, Section III., Definitions, "First
15 Development Order," is hereby amended to read as follows:

16 First Development Order - A Development Order
17 issued by a municipality which establishes the
18 density or intensity, or maximum density or
19 intensity, or use, or permitted uses, and which
20 approved a specific plan of development on a
21 lot or lots pursuant to an application by or
22 on behalf of an owner or contract purchaser,
23 including applications initiated by a
24 municipality. It may include site specific
25 rezonings, special exceptions, conditional
26 uses, special permits, master plan approvals,
27 site plan approvals, plat approvals, and
28 building permits. It does not include
29 rezonings which are part of a general district
30 boundary change program initiated by a
31 municipality. It may or may not authorize the
32 actual commencement of development. Two (2)
33 or more Development Orders which individually
34 do not constitute a First Development Order
35 shall be considered a First Development Order
36 if taken together they meet the definition of
37 First Development Order. For purposes of the
38 term "Site Specific Development Order" in
39 Ordinance 90-7, "First Development Order" shall
40 mean "Site Specific Development Order."

41 Section III.

42 Ordinance No. 90-7, Section VII, Subsequent Review, is
43 hereby amended as follows:

44 Section VII Subsequent Review

45 ARTICLE I PLANNING ACTIVITIES.

46 The Board of County Commissioners recognizes that

1 traffic circulation planning in Palm Beach County must
2 continue. The Plan requires that certain planning activities
3 must take place which are necessary to achieve consistency
4 between the traffic circulation, capital improvement, and land
5 use elements. The outcome of these planning activities will
6 involve amendments to the Plan and this Ordinance. To ensure
7 that these matters are timely addressed consistent with the
8 requirements of Chapter 163, Part II, Florida Statutes, the
9 Board of County Commissioners shall approve a work Program to
10 guide and schedule the activities. This work program shall
11 be approved ~~within three (3) months of the effective date of~~
12 ~~this Ordinance~~ as part of the Comprehensive Planning process.

13 ARTICLE II COUNTYWIDE ORDINANCE.

14 Within ~~six (6)~~ nine (9) months of the effective date
15 of this Ordinance, the Board of County Commissioners shall
16 adopt an ordinance relating to countywide traffic performance
17 standards which shall include provisions: (1) whereby special
18 transportation areas/geographic areas of exception allowing
19 for a lower level of service may be established; and (2)
20 addressing constrained facilities.

21 Section IV. REPEAL OF LAWS IN CONFLICT.

22 All local laws and ordinances applying to the
23 incorporated area of Palm Beach County in conflict with any
24 provisions of this Ordinance are hereby repealed.

25 Section V. SEVERABILITY.

26 If any section, paragraph, sentence, clause, phrase,
27 or word of this Ordinance is for any reason held by a court
28 to be unconstitutional, inoperative, or void, such holdings
29 shall not affect the remainder of this Ordinance.

30 Section VI. INCLUSION IN THE CODE OF LAWS AND
31 ORDINANCES.

32 The provisions of this Ordinance shall become and
33 be made a part of Code of Laws and Ordinances of Palm Beach
34 County, Florida. The sections of this Ordinance may be
35 renumbered or relettered to accomplish such, and the word

"Ordinance" may be changed to "Section," "Article," or any other appropriate word.

Section VII. EFFECTIVE DATE.

The provisions of this Ordinance shall become effective upon the County's receipt of acknowledgement by the Secretary of State, and shall relate back to, and be applicable from, February 2, 1990.

APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach County, Florida, on the 31st day of July, 1990.

PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

By: *Carol Eluyant*
Chair

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

Richard W. Carbo - Jr. special counsel
County Attorney

Acknowledgement by the Department of State of the State of Florida, on this, the 20th day of September, 1990.

EFFECTIVE DATE: Acknowledge from the Department of State received on the 21st day of September, at 10:36 A.M., and filed in the Office of the Clerk of the Board of County Commissioners of Palm Beach County, Florida.

JOHN B. DUNKLE, CLERK
Board of County Commissioners
Michelle B. Khan
DEPUTY CLERK
SEP 21 1990

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, JOHN B. DUNKLE, ex-officio Clerk of the
Board of County Commissioners certify this to
be a true and correct copy of the original filed in
my office on 7/31/90
DATED at West Palm Beach, FL on 9/25/90
JOHN B. DUNKLE, CLERK
By: *Michelle B. Khan* D.C.
Deputy Clerk
BOARD OF COUNTY COMMISSIONERS
PALM BEACH COUNTY, FLORIDA